

CHAPTER 289 WATER

[HISTORY: Adopted by the City Council of the City of Franklin 9-4-2007 by Ord. No. 04-08. Editor's Note: This ordinance superseded former Ch. 289, Water, consisting of Art. I, Water Bans, adopted 5-5-1986 as Title Four, Ch. IX, of the 1986 Code; Art. 22, Conservation, adopted 5-5-1986 as Title Four, Ch. X, of the 1986 Code, as amended; and Art. III, Rules and Regulations, adopted 5-7-1990, as adopted. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 245.

Site plan review — See Ch. 402.

Subdivision of land — See Ch. 403.

ARTICLE I Water Bans (§ 289-1 — § 289-5)

§ 289-1 Restrictions authorized during emergencies.

In times of emergency, the City Manager shall have the authority to establish restrictions and conditions upon the use of water from public water sources within the City of Franklin. Said emergency may arise as a result of the inability of the municipal water system to distribute adequate quantities of water or water of satisfactory quality or from other problems related to either the source or distribution of water within the City.

§ 289-2 Uses to be restricted or banned.

The City Manager may, in his or her discretion, place appropriate restrictions upon or totally ban the use of public water for the purposes in the following subsections:

- A. Exterior uses, such as the washing of vehicles and the watering of lawns, gardens or flower gardens.
- B. The service of water in restaurants, except upon specific request of the customer.
- C. The use of water in industrial and commercial processes.
- D. Any other use of water for purposes other than residential drinking, cooking, washing and bathing.

§ 289-3 Extreme emergencies; poor water quality.

In times of extreme emergencies, as designated by the City Manager, the Manager may terminate water service to commercial and industrial establishments in order to provide reasonable quantities and quality of water to residential areas. In cases where water quality is such as to pose a threat to the public safety, the Manager may also terminate service to residences or residential areas.

§ 289-4 Administrative review; public notice.

- A. All actions of the Manager taken under this article shall be subject to review and revision by the City Council at its regular or special meetings.
- B. It shall be the duty of the City Manager to publicize as widely as possible all actions pursuant to this article with regard to restrictions on the use of water, including the posting of such restrictions in City-owned buildings, the release of such information to the news media and direct notification to major water users within the City. However, the failure of the Manager to take such steps to publicize the existence of water restrictions shall not be deemed adequate reason for the violation of such restrictions.

§ 289-5 Violations and penalties.

Any person or other entity violating the provisions of this article with regard to water usage or violating the provisions of any restrictions established by the City Manager shall be fined no less than \$100 in the event a summons to court is issued. Additionally, any person found in violation of restrictions on the usage of water for a subsequent offense (regardless of whether or not the first offense resulted in court action) shall be subject to the termination of water service until the water use restrictions are lifted, at the discretion of the City Manager. Any property which has water service terminated in accordance with this section shall be subject to an administrative penalty in the amount of \$250 to be paid before water service is restored, regardless of the initiation of court proceedings.

ARTICLE II Conservation (§ 289-6 — § 289-10)

§ 289-6 Adoption of policy.

The City of Franklin hereby adopts as an official City policy the encouragement of the conservation of water as an important natural resource. Reasonable limitations upon the use of water, particularly that derived from the municipal water system, are hereby encouraged. To effect the goals of this article, the following restrictions are hereby adopted, regardless of the source of water supply, for all water users within the City.

§ 289-7 Interior water taps and shower heads.

All interior water taps and shower heads installed in any buildings in the City of Franklin shall be flow limiting, or the building shall have an approved pressure-reducing valve installed at the water service entrance.

§ 289-8 Toilets.

Any toilet installed in the City of Franklin after the passage of this article shall be of such a construction as to conserve water and shall have appropriate conservation inserts or other similar features installed in the same.

§ 289-9 Backflow prevention.

- A. To protect the purity of the municipal water system and the public health at large, any buildings with water supplies connected thereto with such supplies being connected after the date of passage of this article shall have installed in the supply line or lines

appropriate backflow prevention valves designed in such a manner as to prevent the flow of water or other liquids from the structure into the water supply system, regardless of the source of that supply.

- B. Industrial and specified commercial usages. On or before September 1, 1986, all industrial water users in the City of Franklin shall have installed in water supply lines backflow prevention devices as described above, regardless of the source of water supply. In addition to industrial users, all hospitals, laundromats and funeral homes within the City shall similarly install such devices in all supply lines on or before September 1, 1986.

§ 289-10 Enforcement.

The Planning and Zoning Administrator shall be authorized to require sufficient proof of compliance with the above requirements as a condition of issuance of a building permit. The Planning and Zoning Administrator is authorized to inspect any of the affected facilities required to have such backflow prevention devices and to take such enforcement action as may be necessary upon learning of or being advised of a lack of such devices in required facilities. In addition to any other enforcement action which may be allowed, the Planning and Zoning Administrator is also empowered to request the termination of water supply service to any offending facilities from the Municipal Services Department, which Department shall honor the termination request until such time as the Planning and Zoning Administrator is satisfied that appropriate devices have been installed or otherwise rescinds the termination request. Terminations may be reviewed and modified by the City Manager.

ARTICLE III Rules and Regulations (§ 289-11 — § 289-21)

§ 289-11 Definitions.

Except when otherwise indicated by context, whenever used in these rules and regulations, the following terms shall have the meanings indicated:

CHARGES FOR WATER: The amount charged to each customer for water services.

CITY: The City of Franklin, Merrimack County, New Hampshire.

CITY OF FRANKLIN SERVICE PIPE: The pipe running from the main pipe to the edge of the customer's property.

CONNECTION FEE: The fee required for connection to the water system.

COUNCIL: The City Council of the City of Franklin, the legislative and governing body thereof.

CROSS-CONNECTION: Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gases or other contaminants whereby there may be a flow of unapproved water to a water system.

DEPARTMENT OF MUNICIPAL SERVICES: The Department of Municipal Services of the City of Franklin, New Hampshire.

DIRECTOR OF MUNICIPAL SERVICES: The Director of the Department of Municipal Services of the City of Franklin, New Hampshire, or a duly authorized representative.

WATER CONNECTION: That part of the water system connecting a water main with an individual premises through the water meter outlet to it.

WATER MAIN: That part of the water distribution system located within public easements or rights-of-way and intended to supply more than one water connection.

WATER SERVICE: The distribution and supply of potable water throughout the area served by the water system.

WATER SYSTEM: The system for distributing potable water and all appurtenances of it.

§ 289-12 *Water mains.*

- A. The plans and specifications for any water main to be constructed at private expense intended for connection to the City water system shall be submitted to the City for approval prior to commencement of construction. All construction shall be subject to any inspection and testing the City may require, and such inspection and testing shall be at the expense of the owner. No water main shall be connected to the water system until all required tests have been successfully completed.
- B. Main pipe extensions shall be sized and approved by the City or its authorized representative and shall be the property of the City. The pipe shall be installed as outlined in the City of Franklin Construction Standards. Installation shall be by the City or a utility service contractor approved by the City.
- C. Highways and streets in which an extension is to be made shall have been laid out, lines and grades established, and dedicated to public use by the City. Subdivisions and site plans shall be approved by the Franklin Planning Board, with rough grade and line established prior to main installation.
- D. If developers of land choose to extend the City's water system to their property(ies), they must perform the installation of the water main in accordance with the City of Franklin Construction Standards, latest edition. Inspection of such work shall be provided by the City, and the cost of said inspection shall be paid by the developer. The City assumes no liability for damage to persons or property caused by said water main until final acceptance.
- E. The City may wish to maintain ownership of lines located on private property. In such cases, the developer is required to supply an easement to the City in a form acceptable to the City. All costs associated with such installation, inspection, and easements shall be borne by the developer.

- F. The City may require mains to be sized and equipped with such appurtenances as may be needed to accommodate the future expansion or improvement of the water system. The Council, at its discretion, may pay for the additional costs of such construction.

§ 289-13 Connections.

- A. Application; connection fees.
- (1) Applications for water service shall be made in writing to the City of Franklin on such forms as shall be provided by the City and shall contain an agreement made by the applicant to abide by and accept all of the provisions of this chapter as conditions governing the use of the City water supply. Application may be made by the owner of the property to be served or by a duly authorized representative of the owner. Before any connection is made to any City water main, application to the City must be made by the owner of the premises to be served, and all required fees must be paid.
 - (2) Fees.
 - (a) Water connection fee. Any new or expanding water user must pay to the City of Franklin a water connection fee in accordance with the Municipal Services rate schedule. Connection fees are nontransferable.
 - (b) Permit application fee. Applications for permits shall be accompanied by a nonrefundable permit application fee as required by the Municipal Services rate schedule.
 - (c) Inspection fees. The owner/applicant shall pay all costs related to inspection of new services, waterline extensions, etc., in accordance with the Municipal Services rate schedule. The City may require that inspection services be provided by an outside engineering firm in the case of new building construction or main extensions.
- B. Only the City or utility service contractors approved by the City shall tap any main or private main under the control of the City or connect any service pipe. No person shall turn on or shut off the water from any service pipe connected to such water mains or from any pipe, hydrant, or other premises without permission from duly authorized agents of the City. The owner of the property to be served shall complete a service application data form that identifies the fixtures or units on the property that will use water, together with the estimated gallon-per-minute rates. After a review of this data, the City will determine the size of service that may be sufficient to provide reasonable water service. New commercial and industrial owners and users taking occupation of existing premises shall be required to reapply for service and shall be bound by all rules and regulations governing new installations, if the new ownership results in a change in the use of the premises.
- C. The service pipe shall be installed according to the City of Franklin Construction Standards, including any subsequent revisions thereto. The service pipe from the main to the curb cock shall be installed by the owner at the owner's expense and maintained by

the City. The City shall also maintain the curb cock. Each customer will provide and maintain the service pipe from the curb cock to inside the building.

- D. All materials used for construction of service lines, up to and including the water meter fittings, shall be approved by the City.
- E. All fire service pipes in the public right-of-way shall be furnished, laid and constructed as approved by the City and at the owner's expense, and all portions of such fire service pipe which lie within the limits of a public street, alley, or way shall be and shall remain the property of the City. The City in no manner guarantees to furnish proper quantities of water through any fire service, nor does it undertake to guarantee anything relative to that service, but it will endeavor to maintain a reasonable service. If the City plans to disrupt fire service for water system improvements, reasonable notice shall be given to customers prior to construction. The City assumes no responsibility if damage occurs to property because of disruptions planned or unforeseen.
- F. Private fire service and fire apparatus connected therewith may be tested by owners or by insurance inspectors under the following conditions:
 - (1) Minimum forty-eight-hour notice shall be given at the Municipal Services office and Fire Department and the hour agreed upon by the Director and Fire Chief or their authorized agent.
 - (2) The test shall be conducted in the presence of the City's agent.
 - (3) The cost of the City's work shall be paid by the owner.

§ 289-14 Meters.

- A. All premises using water shall be metered. The size of the meter shall be determined by the Municipal Services Director or agent after a review of the information submitted on the service application data form. In all cases the City shall prescribe the size, type and make of meter to be installed. The City will employ the methods of AWWA Manual M22 (Sizing Water Service Lines and Meters) in determining meter and service sizes. Meters shall be installed by the City, shall be its property and at all times be under its control.
 - (1) The City will furnish and install meters. All meters shall be the property of the City of Franklin.
 - (2) Meter horns, including check valves, shall be installed on all residential services in compliance with City of Franklin Construction Standards and installed by the developer's or owner's licensed plumber.
 - (3) All backflow preventer devices shall be inspected and tested by the City prior to water service being provided to the property.
- B. The size, type and location of the water meters and meter-reading terminals shall be approved by the Department of Municipal Services in all cases. All meters shall be placed, whenever possible, on the inside of the building or structure at the point of entrance of the service line to the building or structure. The meter reading terminal shall

be placed on the outside of the building being serviced. The consumer shall provide and maintain a clean, dry and warm space for service and inspection, wherever practicable. No change shall be made in the original location of meters or meter-reading terminals unless approved by the Department of Municipal Services and at the expense of the consumer. Access to meters, meter-reading terminals and backflow prevention devices shall be provided to the employees of the City with reasonable notice to the consumer. All meters installed after the effective date of these rules shall be remote reading, with the reading device readily accessible on the exterior of the building. The customer shall provide a clean, dry, and warm place, always free from debris, for the installation of the meter. The location shall be easily accessible by a person in an upright position for reading, maintaining, and changing. In general, arrangement shall be in accordance with any directions, either special or general, given by the City or its duly authorized agent in reference to the security, safety, or necessary accessibility of the same. Unless approved by the Director of Municipal Services, a location requiring a confined space entry is not considered a suitable location. Meters may be located in a meter pit approved by the City in extreme cases.

- C. Meters and any related bypass valves shall be sealed by the City, and no one except an authorized employee of the City may break or injure such seals. No person other than an authorized employee may change the location of, alter or interfere in any way with the meter except with permission of the City.
- D. The expense of maintaining or replacing meters once installed will be borne by the City, except that where replacements, repairs or adjustments of a meter are made necessary by the act, negligence or carelessness of the owner or occupant of the premises, the expense to the City shall be charged and collected from the premises. In case said owner or occupant fails to pay these charges, the same shall be added to and become a part of the water bill. In case of injury to the meter or in case of its stoppage or imperfect operation, it shall be the responsibility of the owner or occupant of the property to immediately notify the City.
- E. All water furnished by the City and used on any premises must pass through the meter. No permanent bypass or connection around the meter shall be permitted for any meter less than two inches. If any meter gets out of order or fails to register, the consumer will be charged at the average consumption rate as shown by the meter over the period of the preceding four billing periods when the meter was accurately registering.
- F. The accuracy of the meter on any property will be tested by the City upon written request of the customer, who shall pay in advance a fee to cover the cost of the test. If on test the meter shall be found to register over 5% more water than actually passes through it, another meter will be substituted for it, and the test fee will be refunded to the customer. The water bill will be adjusted in such manner as may be fair and just.

§ 289-15 Construction financing.

In addition to accepting completely constructed water mains from private individuals, the City may construct, extend, enlarge or improve the water system at its own expense or cause all or part of the cost to be borne by an appropriate special assessment district.

§ 289-16 Control of system; authorized use; obstruction of hydrants.

The water system shall be under the exclusive control of the City and its employees, and no person other than agents or employees of the City shall operate, tap, change, obstruct, interfere with or in any way disturb any portion of it. Fire hydrants may be opened and used only by agents and employees of the City, which specifically includes members of the Fire Department. No person shall obstruct a fire hydrant by placing any permanent object within 15 feet of one.

§ 289-17 Notice of shutoff; liability; restriction of use.

If it becomes necessary to shut off the water from any section of the City because of an accident or for the purpose of making repairs or extensions, the City will try to give timely notice to the customers affected and, so far as practical, will use its best efforts to prevent inconvenience and damage arising from any such causes. The failure to give such notice shall not render the City liable for damages for inconvenience, injury or loss. The City shall not be liable under any circumstances for a deficiency or failure in the supply of water. The City Manager may restrict or otherwise regulate the use of water from the water system if an emergency arises endangering the health or welfare of the citizens of the City, in accordance with Article I, Water Bans, of this chapter.

§ 289-18 Right of entry; inspections.

Any authorized agent of the City shall have free access at all reasonable hours to inspect any water connection. No person shall refuse to admit authorized agents of the City to any property for such purpose. In case the authorized employee shall be refused admittance or in any way hindered in making a necessary inspection or examination, the water may be turned off from such property after giving 24 hours' notice to the owner or occupant thereof.

§ 289-19 Cross-connections.

- A. No cross-connection is permitted. The construction, installation and maintenance of a service line is the responsibility of the consumer and shall be constructed in accordance with the requirements, City Water Construction Standards, City Building Code, this chapter and/or the State Plumbing Code, whichever is more stringent. A backflow prevention device approved by the Department of Municipal Services shall be installed on all new service lines and at any time the service line is replaced or when a building permit is issued that includes plumbing work in accordance with cross-connection control program of this chapter. The preventer shall be made available for testing, maintenance and repair at reasonable times. A record of all backflow preventers shall be maintained by the City and a regular schedule of testing and maintenance provided. The installation or maintenance of any cross-connection which would endanger the water supply of the City is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a violation of this chapter and shall be rectified as directed by the Director of Municipal Services or an authorized representative(s).
- B. Inspections shall be made of all properties served by the water system where cross-connections with the system are deemed possible. The frequency of inspections and reinspections shall be based on potential health hazards involved as established by the City.

- C. Water service will be discontinued after giving notice to any property where any connection in violation of this section exists, and other precautionary measures necessary to eliminate any danger of contamination of the water system may be taken. Water service to such property shall not be restored until the cross-connection has been eliminated. Water service to any premises shall be contingent upon the customer providing cross-connection control in a manner approved by the Department of Municipal Services. Backflow prevention devices required to be installed shall be a model approved by the Department of Municipal Services and the NHDES.
- D. The potable water supply made available within properties served by the water supply shall be protected from possible contamination as specified by this section and by the governing plumbing code.
- E. No high-pressure steam boiler shall be directly connected to the water system. The owner shall make such provisions as may be required by the City before water may be supplied to property with such an installation.

§ 289-20 Repairs.

The City shall be responsible for the repairs to all portions of the water system within the public right-of-way and on private property up to and including the curb stop valve. Where a curb stop valve is located on private property, it shall be relocated to the public side of the right-of-way whenever practical. Once installed, the City shall maintain, calibrate and repair water meters as required unless the repair is caused by the negligence of the premises owner or tenant.

§ 289-21 Charges.

- A. Free service. Effective June 1, 1980, no free water service shall be furnished by the water system to any person, firm or corporation, public or private, or to any public agency or instrumentality. The City shall pay for all water used at the rates set forth in these rules and regulations.
- B. Charges for service connection. The fee for connection to the water system shall be as set forth by ordinance. The City shall furnish the meter, and where a meter larger than a five-eighths-inch meter is required, the owner shall pay the difference in the costs of the two meters. It is the responsibility of the property owner to incur all costs for the installation of water services.
- C. Charges for water furnished. Charges for water will be calculated in accordance with the rates contained in City ordinance (Schedule of Fees and Charges). Bills will be dated and due on the date shown and normally will be rendered on the first day of the month following a meter reading. Each bill shall be payable on or before the 20th day after the billing date. Readings and bills are for water consumed and services rendered.
- D. Estimated readings. In the event that a meter reading cannot be obtained when scheduled, an estimated reading shall be used to compute the water bill. The estimate shall be based on previous consumption or other information and shall be high enough to ensure that all water which can be reasonably expected to have been used is billed.

- E. Delinquent bills. If any charges are not paid within 30 days after the billing date, such unpaid charges shall be subject to a service charge of 1 1/4% per month, 15% per annum. If the charges are not paid within 30 days after the billing date thereof, all services furnished by the system may be discontinued, after proper notice. Upon the discretion of the tax collector, overdue accounts will be notified. A late payment fee of \$5 will be assessed to all accounts to which a disconnect notice is forwarded. Service discontinued shall not be restored until all charges owed and interest, penalties and costs incurred have been paid in full.

- F. Liens on property. All charges and fees levied pursuant to these rules and regulations shall be a charge and lien upon the premises to which water is delivered from the date the same becomes due until paid, and the owner or current owner, if known, of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon his or her premises which lien and liability may be enforced by the City through action at law or suit to enforce such lien. (Reference RSA 38:22.)

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289 Attachment 1

City of Franklin

Appendix A

Schedule of Fees and Charges

[Amended 7-10-1995 by Ord. No. 95-1; 6-21-2000 by Ord. No. 00-3]

- A. This Appendix establishes the schedule for standard fees and charges effective until superseded.
- B. Connection fees. Fees to be charged in accordance with Chapter 160 of the City of Franklin Municipal Code.
- C. Fire protection fees.
 - (1) Fees to be charged in accordance with Chapter 160 of the City of Franklin Municipal Code for private fire protection.
 - (2) The hydrant and sprinkler system fees are annual rates and will be billed quarterly along with the regular bill for services.
- D. Water rates.
 - (1) Fees to be charged in accordance with Chapter 160 of the City of Franklin Municipal Code shall be used to determine the minimum user charge per quarter.
 - (2) Commodity charge. The charge for water used in excess of 500 cubic feet shall be set annually, by resolution, by the City Council, as part of the budget adoption process.
 - (3) All commercial and industrial users with a metered consumption over 50,000 cubic feet per month shall be read monthly. All industrial or commercial users of less than 50,000 cubic feet shall be read quarterly, unless they use 10,000 cubic feet or less, then they shall be read during the residential quarterly check but billed as industrial or commercial with the monthly or quarterly procedure in effect.
 - (4) Industrial and commercial establishments having more than one meter in the same operation, under the same ownership, may have readings totalized for billing purposes.

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- (5) The minimum user charge established herein shall be assessed to all users, whether the service is active or inactive, except when the water meter has been physically removed from the premises served, i.e., seasonal residences.
- E. Shutoff and turn-on fees. Fees to be charged in accordance with Chapter 160 of the City of Franklin Municipal Code shall apply to water turned on or turned off to any premises.
- F. Miscellaneous fees and charges. Fees to be charged in accordance with Chapter 160 of the City of Franklin Municipal Code for construction inspection, lien certificate, returned check, cross-connection, frozen meter replacement, meter test and hydrant permit.
- G. Meter removal/installation charges. The fees to be charged in accordance with Chapter 160 of the City of Franklin Municipal Code shall apply to any request to remove or to install a water meter, i.e., seasonal residence¹

¹ Editor's Note: Original Section 8, defining the term "water service," which immediately followed this section, was repealed 9-14-1998 by Ord. No. 98-4.